

Notice of Allowability

Application No.

10/690,774

Examiner

JOHN PAK

Applicant(s)

GILLIS ET AL.

Art Unit

1616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicant's amendments and remarks of 3/27/2007.
2. ☒ The allowed claim(s) is/are 1, 2, 10 and 12-14 [renumbered as 1-6].
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

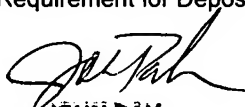
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 1/07
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.


JOHN PAK
PRIMARY EXAMINER
GROUP 1200

Art Unit: 1616

This Office action is in response to applicant's amendments and remarks of 3/27/2007.

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in telephone interviews with Mr. Daley on 6/1/2007 and 6/4/2007.

Amendment to the Claims

Cancel claim 4.

Claim 1. (Currently amended) An article in suppository form, comprising:
an atomically disordered, nanocrystalline material comprising a metal and an element, wherein the metal is selected from the group consisting of silver, gold, platinum, palladium and combinations thereof, and the element is selected from the group consisting of oxygen, nitrogen, carbon, boron, sulfur, phosphorus, silicon, a halogen, hydrogen and combinations thereof,

wherein the atomically disordered, nanocrystalline material contains at least about one atomic percent of the element and the article contains a pharmaceutically acceptable carrier.

Claim 13. (Currently amended) The article of claim 1, wherein the metal is silver.

Claim 14. (Currently amended) The article of claim 1, wherein the atomically disordered, nanocrystalline material contains a combination of metals selected from the group consisting of silver, gold, platinum and palladium.

Amendment to the Specification

Delete from page 1, line 3 to page 2, line 2 (inclusive), and insert therefor - - -

This application is a continuation-in-part of and claims the benefit of priority under 35 U.S.C. §120 to U.S. Patent Application Serial No. 09/916,757, filed July 27, 2001, now U.S. Patent No. 6,692,773, which is a continuation-in-part of U.S. Patent Application Serial No. 09/628,735, filed July 27, 2000, now abandoned. This application is also a continuation-in-part of U.S. Patent Application Serial No. 10/159,587, filed May 30, 2002, now U.S. Patent No. 7,001,617, which is a continuation-in-part of U.S. Patent Application Serial No. 10/131,568, filed April 23, 2002, now abandoned, which is a continuation-in-part of U.S. Patent Application Serial No. 09/840,637, filed on April 23, 2001, now U.S. Patent No. 7,008,647, and also claims the benefit of U.S. Provisional Application Serial No. 60/285,884, filed April 23, 2001. This application is also a continuation-in-part of U.S. Patent Application Serial No. 10/131,511, filed April 23, 2002, now U.S. Patent No. 6,939,568, which is a continuation-in-part of U.S. Patent Application Serial No. 09/840,637, filed April 23, 2001, now U.S. Patent No. 7,008,647, and also claims the benefit of U.S. Provisional Application Serial No. 60/285,884, filed April 23, 2001. This application is also a continuation-in-part of U.S. Patent Application Serial No. 10/131,509, filed April 23, 2002, now U.S. Patent No. 7,087,249, which is a continuation-in-part of U.S. Patent Application Serial No. 09/840,637, filed April 23,

2001, now U.S. Patent No. 7,008,647, and also claims the benefit of U.S. Provisional Application Serial No. 60/285,884, filed April 23, 2001. This application is also a continuation-in-part of U.S. Patent Application Serial No. 10/128,208, filed April 23, 2002, now U.S. Patent No. 6,989,156, which is a continuation-in-part of U.S. Patent Application Serial No. 09/840,637, filed April 23, 2001, now U.S. Patent No. 7,008,647, and also claims the benefit of U.S. Provisional Application Serial No. 60/285,884, filed April 23, 2001. This application is also a continuation-in-part of U.S. Patent Application Serial No. 10/277,673, filed October 22, 2002, now abandoned, U.S. Patent Application Serial No. 10/277,356, filed October 22, 2002, now abandoned, U.S. Patent Application Serial No. 10/277,298, filed October 22, 2002, now U.S. Patent No. 6,989,157, U.S. Patent Application Serial No. 10/277,362, filed October 22, 2002, now abandoned, U.S. Patent Application Serial No. 10/277,358, filed October 22, 2002, now abandoned, and U.S. Patent Application Serial No. 10/277,320, filed October 22, 2002, now abandoned. Each of these applications is incorporated by reference.

Page 3, line 23: delete "DESCRIPTION OF DRAWINGS" and insert therefor

--- BRIEF DESCRIPTION OF THE DRAWINGS ---

Stedman's Medical Dictionary and Melloni's Pocket Medical Dictionary are cited to establish that a suppository is a solid substance for introduction into and release in a body cavity other than the mouth. This is how one skilled in the art would understand the term in the instant claims.


Any inquiry concerning this communication or earlier communications from the Examiner should be directed to JOHN PAK whose telephone number is **(571)272-0620**. The Examiner can normally be reached on Monday to Friday from 8 AM to 4:30 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's SPE, Johann Richter, can be reached on **(571)272-0646**.

The fax phone number for the organization where this application or proceeding is assigned is **(571)273-8300**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571)272-1600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


John Pak
Primary Examiner
Technology Center 1600